

map
979.5
0660e

From the Foreign Quarterly Review.

1. *Exploration du Territoire de l'Orégon, des Californies, et de la Mer Vermeille, exécutée pendant les Années 1840, 1841, et 1842.* Par M. DUFLOT DE MOFRAS, Attaché à Légation de France à Mexico, &c. 2 Tom. Paris: 1844.
2. *The History of Oregon and California.* By ROBERT GREENHOW, Librarian to the Department of State of the United States. London: 1844.
3. *The Oregon Question, &c.* By THOMAS FALCONER, Esq. London: 1845.
4. *History of the Oregon Territory and British North American Fur Trade.* By JOHN DUNN, late of the Hudson's Bay Company. London. 1844.

RUNNING almost due north and south, at an average distance of about 500 miles from the waters of the Pacific, a ridge of lofty mountains may be traced on the map of the New World. To the north, this savage ridge fades off into the inhospitable plains that skirt the Mackenzie River, to the margin of the Arctic Sea; to the south, it is continued into another climate, to cast its shadows over more luxuriant scenes, by that chain which is known amongst geographers as the Mexican Alps; the whole line constituting, according to Humboldt, under various denominations, the course of the mighty Andes, which, from one extremity of the continent to another, from Cape Horn to the Arctic Circle, extends over a distance of 10,000 miles.

This ridge is called the Rocky Mountains. Its desolate peaks vary considerably in height, from 10,000 to 16,000 feet above the level of the sea. Its arid steeps and dismal gorges present no variety of surface, except where accumulated snow lies frost-locked in its sightless depths, or where a gigantic forest climbs the face of the precipice, or some rare nook in the recesses of the stony hills, instead of being a quarry, as it ought to be, is pranked out by the capricious hand of nature with wild and scanty pasturage. This grim barrier limits the British Canadian possessions on the west down to nearly the forty-ninth degree of latitude, and then forms the north-western, as it is the natural frontier in that direction of the United States. A desert plain stretches from its base to the south-east, and beyond that plain lies the great world of American settlement—explorers, hunters, squatters, trappers, trappers, Lynchers, and bowie-knife men. With that side of the mountains we have nothing to do. Our present business lies on the other side.

The region between the Rocky Mountains and the Pacific Ocean—or rather that portion of it which is bounded south and north by California and Russian America—is called the Oregon Territory. A glance at the map will enable the reader to fix its limits at once, for they are so intelligibly indicated by unerring landmarks, as not to be mistaken. With the Rocky Mountains on the east, and the ocean on the west, a chain of lakes, rivers, and rocks on the north, and the grisly Klamet hills, and the sandy plains and salt springs of California on the south, there is no difficulty in ascertaining the natural outline of the Oregon Territory. Differences of opinion exist as to the political boundaries; the American government is for extending them, the British for contracting them. But these differences are

apart from the great question at issue, as to the right of either over any, and what portion of this disputed country, whose political geography is so dubious.

The character of a region, thus hemmed in and scarred in every direction by great mountains, traversed by innumerable streams, and dotted all over by lakes and swamps, cannot be supposed to be especially favorable to vegetation. Within a hundred miles of the sea, and parallel with the Rocky Mountains, rises another enormous chain of mountains, bearing evident marks of volcanic action at a remote period. The Americans have appropriated the cap of nearly every peak of this stupendous range to their own glorification, and christened them after the names of their presidents—so that Tyler has his cap, and Harrison has his cap, and even Van Buren has his cap, without waiting for the settlement of the right by which alone any of these worthies will be suffered to wear their caps in the presence of posterity. No doubt Mr. Polk will come in for a peak of his own in the course of time, and nobody has so good a claim, seeing, that of all the American presidents, he is the only one who has ventured to assert that the region belongs to America, in the teeth of a treaty which, at least, leaves that question open by the common consent of both countries. The name assigned by Humboldt to this range, is that of the Californian Maritime Alps. The space westward to the sea is the most fertile on the whole surface, with the exception of a broad and tolerably rich plain to the south of the Columbia river. All the rest is rank, or barren—vast forlorn steppes, hopeless jungle, marsh, lake, sterile rocks, and aboriginal woods. Here and there may be found patches of practicable soil; but nothing grows in them except by dint of incredible labor; and when wheat and potatoes require to be forced with the care and outlay of the daintiest hot-house fruit, it is not difficult to anticipate the issue of agricultural experiments in such districts. The Hudson's Bay Company have a few small farms on the banks of the rivers, which serve the local purpose for which they were undertaken, sustaining a few settlers who, from one cause or another, have clustered round the fur stations; but agricultural speculations on a large scale can never be undertaken in that major section of the territory which is shut up between the Rocky Mountains and the Maritime Alps.

Indeed, the only places in the interior which present any temptations to the agricultural experimentalist, are those which lie on the banks of the rivers, especially the great Columbia river, the principal stream in Oregon. The Columbia rises in the Rocky Mountains, pursues a vagrant and sinuous course to the sea, is occasionally expanded into a line of lakes, by the accession of numerous tributary waters, and frequently broken in its downward race by rapids, falls, and eddies. In the intervals of these obstructions, it is available only to boats and canoes; but vessels of twelve feet draft may sail up 120 miles from the embouchure, where they are stopped by rapids. Beyond the rapids there is a still water navigation of about forty miles; above that point, the river is accessible only to the boats or canoes of the country.

But, although the Oregon Territory is not very seductive to the agriculturist, it has some natural advantages of a commercial kind. It abounds in valuable timber—ash, cedar, arbor-

Living Age
July 9, 1845

vitas; its rivers and bays swarm with fish—salmon, sturgeon, cod, herring; whales and sea otters sport along its coasts; and the interior is inconveniently populated with antelopes, elks, wolves, rats, and buffaloes. Out of all this live stock a brisk trade could be got up in a variety of articles, which in course of time might furnish materials for the establishment of a respectable tariff between Oregon and most parts of the Pacific. But as yet few people seem to consider the speculation a safe one. Not a single independent British settler has struck his spade in the earth, warned off partly, perhaps, by those prudential considerations which always hover round disputed titles, and partly by the exclusive privileges guaranteed by act of parliament to the Hudson's Bay Company, who possess complete jurisdiction over the whole of the territory claimed by the British government. The only stray individuals who have ventured into Oregon, with a view to colonize on their own account, are Americans. We hear of caravans of these adventurous people—whose lives seem to be of as little value as their bonds—setting out for the Rocky Mountains, and making their way by the help of canoes, hatchets, and horses, into the savage desiles. But even the American historians who record these exploits, confess that they have never heard what became of their heroic countrymen. Upwards of a thousand emigrants went off in this way from the United States in the years 1842 and 1843, and more have gone since, and more, we believe, are still going, in defiance of all perils by land, water, and treaty; and all that is known about them is, that a few families are squatted somewhere on farms so small and miserable, that the only wonder is that they should still survive as a warning and example to the rest of their compatriots. The American passion for going a-head, and keeping in perpetual motion, so curiously exemplified on quarter-day in the large towns, by wagon-loads of flitting furniture, is exhibited in its last agony by this desperate emigration beyond the Rocky Mountains. The journey itself—which we shall presently take an opportunity of touching upon—is replete with hardships and dangers; its successful accomplishment is extremely improbable; and its results, when accomplished, are for the most part such as, instead of drawing men from their homesteads, would deter any other human beings except the restless and reckless race that rove about the United States. They have not even the excuse for expatriation which is furnished by over-populated soils; for the population of the United States, replenished as it is every day by draughts from all other parts of the habitable globe, is insufficient for the daily necessities of the country. Nor have they the plausible pretence of bettering their condition; for it requires, in Oregon, the labor of three men to effect the same quantity of profit that is produced in the United States by the labor of one. Nor have they the higher plea of desiring to render available to the commonwealth this immense tract of territory, by carrying into it their arts and their patriotism; for Oregon, to whomsoever it may be ceded in the long run, certainly does not belong to the United States yet, and never may belong to them. So that this daring movement is unsustained by a single prudential consideration, is opposed, on the contrary, to every argument of policy or expediency, and must be referred to that inexplicable love of change and contempt for consequences, by

which Brother Jonathan is preëminently distinguished in all the affairs, great and small, in which he is engaged.

As we have alluded to the difficulties of the journey over the continent, and across the Rocky Mountains in the Oregon Territory, it may be as well to show what they are. The expedition of Lewis and Clarke, undertaken at the instance of the American government, in 1804, may be selected as the most favorable illustration, because it was carried out under the sanction of advantages which no private party of emigrants could, under any possible circumstances, be supposed to possess.

The party consisted of forty-four men, who embarked in three boats on the Missouri, in the month of May, well supplied with all resources necessary for the journey. They worked slowly and laboriously against the mighty current until the month of October, when, finding themselves no further advanced than the country of the Mandan Indians, they disembarked to winter on the shore, further progress at that season of the year being impracticable. Here they were compelled to remain until the following April, when they resumed the ascent of the river with thirty men, having sent the others back, for reasons which it is unnecessary to investigate. At the end of three weeks they reached the junction of the Yellow Stone, and towards the Middle of June were arrested by the falls of the Missouri, a series of stupendous cataracts which extend over a distance of ten miles. At this point their boats became useless to them, and making for the water above the falls, they embarked in canoes hollowed from the trunks of the cotton-wood trees that grow on the banks of the river. On the 19th of July they reached the gates of the Rocky Mountains, where the Missouri narrows itself into a dark and rapid channel between perpendicular rocks, rising 1200 feet above its surface. They had now been out fourteen months, and had only gained the entrance to the mountains, where the most formidable difficulties of the journey really began.

The passage of the Rocky Mountains occupied them three weeks. Their sufferings and privations were of a kind to appal the stoutest nerves. The anguish of a fatiguing and apparently hopeless expedition through the dreary gorges, and over the fearful heights, crossing streams which they dared not venture to navigate, and pursuing tracks which they were constantly obliged to abandon, was enhanced by the extreme severity of the cold and the want of provisions. Before they had entered upon this passage they had buried their goods and canoes in pits, and they must have perished in these frightful solitudes but for some horses and guides which they were lucky enough to procure from a party of Shoshonee Indians. From July to October they were unable to find a stream upon which it was considered safe to intrust themselves, subsisting the whole way upon a scanty and precarious supply of berries, dried fish, and the carcasses of dogs and horses. At last, in the beginning of October, they embarked upon the Kooskooskee river, for which they constructed five canoes, and at last reached the Columbia. The passage down the Columbia was sufficiently dangerous, but having, by an infinite variety of stratagems, and at a cost of toil and endurance which cannot be very easily estimated at a distance, succeeded in evading the

perils of the falls and rapids—they finally made the mouth of the river on the 15th of November, 1805. The whole journey consequently occupied eighteen months.

From this bare outline, dropping out all those startling incidents and shuddering details which constitute the actual terrors of such an undertaking, some slight notion may be formed of the risks which the Americans have to encounter, and of the contingencies which render it unlikely in the last degree that they shall ever be able to conduct the stream of emigration in that direction with the remotest chance of success. Several routes have been subsequently attempted, but with no better results. They differ from each other only in the privations to which the adventurers were exposed; and the difficulties are, in fact, so overwhelming as to justify this conclusion—that no highway can ever be established between the United States and Oregon for the overland conveyance of emigrants. "None but the wild and free trappers," says Mr. Dunn, "who know the country well, can clamber over these precipices, and tread these deserts with security; and even these are quitting them as haunts, and now using them only as unavoidable tracks." For hundreds of miles the tracks are barren under foot, with scorching heat or piercing cold over head. The country west of the Rocky Mountains is described by the same competent authority as being broken up with towering cliffs, deep ravines, and sunken streams, from which the traveller cannot draw a drop of water to allay his raging thirst; and the soil is either so sandy, that he sinks into it at every step, or formed of such sharp and rugged stones, that it lacerates his feet. Fruit there is none—except berries, which are scarce, penurious, and not always safe. Farham tells us that his party were at last obliged to kill their favorite dog, and economize his flesh; and that during eight days' journey he did not meet a solitary acre of land capable of producing vegetation of any kind. Townsend, an American traveller, gives even a still more dreadful picture of the miseries of the journey. Intense thirst is one of the inflictions, produced by the naked heat of the sun upon the exposed surface, and the consequent desiccation to which everything is subject. "The air," he says, "feels like the breath of a sirocco; the tongue becomes parched and horny; and the eyes, mouth, and nose, are incessantly assailed by the fine pulverized lava, which rises from the ground with the least breath of air. Bullets, pebbles of chalcidony, and pieces of smooth obsidian, were in great requisition; almost every man was mumbling some of these substances to assuage his burning thirst." They have recourse to leaden bullets and other substances for the purpose of producing saliva, which they swallow to prevent inflammation and death.

Such are the terrors of the passage from the United States into the Oregon Territory; terrors so repulsive that they seem as if nature had forever prohibited the two regions from holding free intercourse with each other. On the other hand, if any political or international value can be reasonably attached to proximity of position, and comparative facility of access, the short and easy transit which we can command from the remotest point of our Canadian possessions to the shores of the Pacific, invests us with geographical advantages, which it would be impolitic, not to say hopeless, to contest. Whatever becomes of Oregon, the English, who hold so vast a stretch of

country due east of the mountains, and who have long wielded direct sway over the disputed territory itself, through the numerous locations of the Hudson's Bay Company, must always exercise an inevitable influence over its destinies. If Oregon were ceded to the United States to-morrow, British influence must still predominate from the source of the Columbia to the sea; a state of things which, so far from producing any practical benefits to the Union, would be attended by disastrous consequences sooner or later. Confident as the citizens of the "model republic" may be of the solidity of their institutions, there is nothing more certain than this, that the moment they embark in any project of aggrandizement likely to create jealousy amongst other powers, or to precipitate serious divisions of opinion at home, they strike a vital blow at their independence. And of all conceivable designs, that of embroiling themselves with Canada would be the most unfortunate; for, whatever foolish calculations they may raise upon the discontent of the *habitans*, now rapidly vanishing before the wise measures of a paternal administration, they may be assured that there is no part of the globe where their intrusion or interference would be met with a more determined resistance. There are certain gloomy memories haunting the borders of Maine which it would be a deplorable mistake to revive; nor can that people who invaded Florida with bloodhounds, and banished the aborigines from their hunting-grounds across the Mississippi, expect a much better reception from the Indians of British America. All parties in Canada, however they may differ on other subjects, are unanimous about Uncle Sam.

Lewis and Clarke, as we have seen, were eighteen months on their journey. The passage from Montreal to Fort George can be made on ordinary occasions in less than a fourth of that time; and, where expedition is necessary, in less than a sixth. The fact is sufficiently notorious to everybody acquainted with the country; but we prefer stating it explicitly on the authority of M. Mofras, because that gentleman displays such miserable animosity against England in his useless volumes on Oregon and California, that his evidence must be allowed on all hands to be quite unexceptionable when it can be cited in favor of the accidental superiority of our activity or our position.

"The entire distance," says M. Mofras, "from Montreal to the Pacific Ocean, at the embouchure of the Columbia, is exactly 1800 leagues, and the journey occupies four months and a half. During this period they are obliged to travel on horseback seventy-five leagues, or about thirteen days; the remainder is done by boats. We have not calculated the days necessarily devoted to repose, or business, at the different stations; and the delays are sometimes so long that a party which leaves Montreal in the beginning of May, probably may not reach Fort Vancouver till the following October; they return towards the end of March, and arrive at Montreal about the close of September. But it ought to be remarked that on such occasions the caravan is generally composed of sixty or eighty persons, and ten or twelve canoes, frequently carrying baggage or merchandize. If they travel unencumbered, like Governor Simpson, or the couriers that are despatched from time to time by the company, they can make the distance from the Columbia to the St. Lawrence in less than three months."

There can be no doubt on which side lies the

greater facility of access to the mountain-bound territory of Oregon.

The consequence is, that nearly the whole civilized population consists of the servants and settlers of the Hudson's Bay Company. M. Mofras says, that there are about 200 Americans grouped upon the river Ouallamet; he estimates the servants in the immediate employment of the company at 100 more (calculated by Mr. Greenhow at 400,) and the French Canadians at 3000. This division of the population is clearly incorrect, if it be intended to imply that these French Canadians are independent settlers; but the actual numbers, on the whole, are probably accurate enough. The remaining population is composed of native Indians, scattered over the face of the country. It is nearly impossible to ascertain their numbers. They were formerly very numerous, but successive visitations of small-pox, fever, and ague, have swept them away so rapidly, that they are now reduced to a mere remnant. Mr. Greenhow says, that the whole of the native tribes, and all other persons inhabiting Oregon, together, do not exceed 20,000. We are inclined to regard this statement as in excess; but we have no means of approximating more closely to the fact. There is no doubt, however, that some of the Indian tribes are extinct, and the rest not likely, under the influence of white civilization, to bring up their physical statistics to their ancient average.

Two rather important inferences may be drawn from these statements. First, that geographical proximity gives to British America a complete command over the Oregon Territory. Second, that the Oregon Territory is now, and has been for upwards of a century and a half, since the incorporation of the Hudson's Bay Company, whose power has gone on gradually increasing, and consolidating, and acquiring a more systematized form up to the present hour, under the direct influence of the British. These facts, if they do not enter into the abstract question of right, at issue between England and the United States, form, at least, material elements in the discussion, and add considerable force to the claim on the part of Great Britain.

Let us now examine the question of right set up between the two countries, strictly confining ourselves to the historical points upon which alone it can be adjudicated. But we cannot avoid observing at the outset that the claim to the entire sovereignty over Oregon by the American government is of recent birth. Up to 1814, they were satisfied with asserting a claim to joint occupancy; up to 1827, they never asserted a right of any kind beyond the forty-ninth degree; in 1843, the president announced, to the astonishment of the world, that the whole territory belonged to America; and in 1844, a bill was actually brought into congress, "to organize a territorial government in the Oregon Territory, and for other purposes!" This bill, which pledges the government to do that which the government cannot do without violating an existing treaty with England, comes before the senate in December next. We believe it will be thrown out, because, in the interval, all reasonable people will have time to comprehend the extent of its perfidious impracticability; but whether it be thrown out or not, it must remain forever in evidence against the United States, as an instance of that indecent contempt of all honorable obligations, for which they have been of late years so unhappily conspicuous.

The origin of the American claim to the Oregon Territory cannot be more precisely stated than in the words of Mr. Greenhow, the ablest of the American writers on this subject. We choose his statement, because it relieves us from all suspicion of misrepresentation, and enables us to avoid the possibility of unconsciously coloring the facts by any inadvertent expression of our own feelings and convictions. After having informed his readers that the "discovery" of the Columbia river by Gray, an American, was not made known until 1798, by the publication of Vancouver's narrative, and that no one then, or for many years afterwards, thought the river, or anything connected with it, could ever become interesting to the United States, he proceeds to lay down the actual limits of the States at that period.

"The territories of the United States were at that time (1798) all included between the Atlantic Ocean on the east, and the Mississippi river on the west. In the north were the British provinces; in the south lay Florida, belonging to Spain; and beyond the Mississippi the Spaniards also claimed the vast region called Louisiana, stretching from the Gulf of Mexico, northward and north-westward to an indefinite extent. Thus, all communication between the states of the Federal Union and the Pacific was completely cut off, by the interposition of countries possessed by foreign and unfriendly nations."

It is obvious, then, that up to 1798 the Oregon Territory never entered into the wildest dreams of the United States, and that whatever real or imaginary claims they may have upon it must have arisen since.

But at this point it will clear the inquiry of any possible perplexity on the score of prior discovery, to observe that, in 1778, before the Federal Union was called into existence, the whole coast of the Pacific was explored by Cooke up to the forty-eighth degree; that, in 1787, Berkeley and Dixon, both English navigators, explored the Strait of Fuca and Queen Charlotte's Island; that, in 1787, Lieutenant Mears surveyed the Strait of Fuca and Nootka Sound, where he established a factory, and took possession of the circumjacent country in the name of his Britannic Majesty; that in 1792, 1793, and 1794, Vancouver, who was sent out expressly by the English government, surveyed and sounded every mile of that intricate coast; that, in 1792, Broughton, Vancouver's lieutenant, explored the Columbia river, as far as 100 miles upwards, and took possession of it in the name of his sovereign; and that, in 1793, when most of the north-west continent was unknown, M'Kenzie, an officer in the Hudson's Bay Company, conceived the stupendous project of traversing the whole continent from coast to coast, and executed it with a courage and sagacity unparalleled in the history of discovery. The honor of having originally discovered the Columbia belongs to the Spaniards. Heceta, in 1775, was the first person who gazed upon its waters. All this time the whole region was a *terra incognita* to the people of the United States. They knew nothing about it all the time our navigators were exploring and surveying the coasts, and taking possession of the country. The only other nation that ever possessed a scintilla of a right to possession in those latitudes, or that ever pretended to such a right, was Spain; and the rights of Spain and England were finally declared and settled in 1790, by a treaty, called the Convention of the Escorial. The American "discoverer," Gray,

who in 1792 got into an inlet, which he presumed to be the Columbia river, was captain of a ship trading along the north-west coast. He neither discovered the river, nor explored it, nor took possession of it. It is more than certain that he never even saw it. He entered the inlet, ascended twelve miles, to a bay where he was weather-bound for ten days—at a distance of sixteen miles from the entrance to the river*—and then departed upon his trading concerns, to dodge about for furs, utterly innocent of all claim to the glory of being handed down to posterity in the pages of history. Indeed, his name would never have been heard of had it not been for the generous allusion made to him by Vancouver, in his narrative published six years afterwards. Disentangling the question, therefore, of all doubts as to discovery, settlement, and possession—seeing that we had taken possession of this territory, and entered into a convention with Spain, the original discoverer, for the recognition and security of our rights, before the United States knew anything about the Oregon Territory, or could have reached it if they had, we reduce the American claim to the simplest possible basis, which we are willing to accept in the very terms put forward by the Americans themselves.

Having shown that in 1798, and for several years afterwards, the United States not only possessed no interest whatever in the Oregon Territory, but had no suspicion that they ever should possess any, Mr. Greenhow goes on to state when it was, and under what circumstances, they acquired the right which they have only lately asserted for the first time in full.

"The position of the United States, and of their government and people," says Mr. Greenhow, "with regard to the north-western portion of the continent, was, however, entirely changed after the 30th of April, 1803, when Louisiana, which had been ceded by Spain to France in 1800, came into their possession by purchase from the latter power. *From that moment the route across the continent from the Atlantic to the Pacific lay open to the Americans*; and nothing could be anticipated capable of arresting their progress in the occupation of the whole territory included between these seas."

In this passage there are two very distinct assertions: I. That, in 1803, the United States purchased Louisiana from France; II. That the consequence of this purchase was to throw open to them the whole route to the Pacific. The first is a matter of fact, upon which we are all agreed; for there is no doubt that the United States purchased Louisiana from France. The second is a deduction from the first, and, like all deductions, must depend for its validity on the soundness of the premises. If the purchase of Louisiana threw open to the Americans the territory west of the Rocky Mountains to the Pacific, then Louisiana must have extended over the whole of that region. The question is—Did Louisiana occupy that extent—a space on the west of the map nearly equal to the whole of the United States on the east? Upon the answer to this question—upon the actual boundaries of the country known by the name of Louisiana in 1803—the American claim to the Oregon Territory, mainly, if not altogether, depends.

If France sold to the United States any territory west of the Rocky Mountains, France must

have been in possession of such territory. Now France derived her right solely from a cession previously made to her by Spain. But we have already seen that Spain possessed no such right herself, and, therefore, could not cede it to France: consequently, France could not sell any such territory to the United States. She could not sell that which she did not possess.

In order, however, to ascertain clearly and circumstantially, what were the original Spanish rights from whence this cession descended, it will be necessary to revert to the discovery of the Oregon Territory, and to trace the foot-prints of adventure and settlement from that time to the moment when the United States first set up this imaginary claim. Having exhausted this branch of the inquiry, we will recall the reader to the point from which we start on this unavoidable excursion in the argument.

It is necessary to observe, for the better understanding of the mere question of discovery, that the whole of the Oregon coast lies between the forty-second and fifty-fourth degrees of latitude.

In 1578, Drake discovered this coast to the forty-eighth degree—about two degrees above the mouth of the Columbia. Mr. Greenhow endeavors to discredit this fact; but his motive is too transparent, and his evasive treatment of the subject too obvious, to demand any exposure at our hands. The fact itself, however, although we hold it to be indisputable, is of no importance whatever. We can afford to make the United States a present of all the advantages we could possibly derive from it. If our right to the Oregon Territory rested upon priority, it could be established beyond all cavil. But mere discovery gives no title to possession; and as we made no settlement in Oregon for upwards of two centuries afterwards, the long interval would have been equivalent to an abandonment of the country, if during that period any other government had thought proper to appropriate the soil. But no government did so appropriate the soil; and even waiving our claim on the ground of discovery, we are prepared to assert it on the ground of settlement. We were the first settlers in Oregon—the first to assume the rights of sovereignty over the country;—more than that, we were the *only* settlers there, as we shall show presently, when the federal government purchased Louisiana from France.

Of the Spanish navigators in these waters, the first who is admitted on all hands to a place in the discussion is Juan Perez. He sailed from Mexico in 1764, and the first land he saw was in the 54 parallel of latitude. But he could not land, and sailing to the southward was driven out to sea. He again made land in latitude 47° 47', and coasted home, having literally made no observations whatever. This expedition was considered to be so disgraceful a failure, that the Spanish government suppressed the account of it; and even Mr. Greenhow, in his hesitating way, allows that the discovery of Nootka Sound "is now, by general consent, assigned to Captain Cook."

In 1776, another expedition of two vessels was fitted up under the command of Bruno Hecceta, and Juan Francisco de la Bodega y Quadra, who succeeded to the command of the second vessel after they had put out to sea. It is unnecessary to detail the vicissitudes of a voyage in which the commander, says Mr. Greenhow, "certainly acquired no laurels." The highest point made was the fifty-eighth degree of latitude; and having

* Vancouver, ii.

examined the coast now belonging to Russia, they returned to the south, discovering the mouth of the Columbia river on their way—the single incident that gives historical interest to the expedition.

In 1778, Cooke, as we have stated, explored the whole coast of the Pacific, up to the forty-eighth degree, followed at intervals by Berkeley and Dixon, by Mears, Vancouver, and Broughton;—Mears and Broughton, the former at Nootka Sound in the north, the latter on the Columbia river in the south, taking formal possession of the territory in the name of the sovereign of England.

All this time the Spaniards never made any settlement higher than Cape Mendocino, lat. 49° 20' N. Their exploring expeditions, even had they been attended by any important discoveries, were not followed up by any attempts at settlement, or any declaration of sovereignty. They abandoned the country after the voyages of Perez and Heceta, just as we abandoned it after the voyage of Drake. They neither occupied the country, nor annexed it to their territories, nor took formal possession of it. They left it open to the settlements of other governments—a waste which it was competent for any foreign power to enter and occupy. "It is a clear and admitted fact," says Mr. Falconer, in his close and conclusive argument on this point, "that the government of Spain never made any settlement north of Cape Mendocino. The whole coast for upwards of twenty-five degrees north of this cape was waste, unsettled, and unoccupied. Throughout the whole distance there was no person authorized to execute authority on the part of Spain, or any other power, at any single point." In the mean while, we had taken possession of the country in a formal and legal manner—and we were the only power that did take formal and legal possession of Oregon.

So far as any American title is pretended to be founded upon Gray's "discovery" of the Columbia river, in 1792, it may be well to say a few words. In the first place, Gray did not discover the Columbia. It was discovered by Heceta nearly thirty years before. In the second place, Gray was not invested with any official authority whatever, and could not take possession in the name of his government. In the third place, he did not take, or pretend to take possession. In the fourth place, no title can be founded upon Gray's discovery or possession, without repudiating at once all right on the part of Spain; for if Spain had such right, Gray could not have interfered with it without committing an act of invasion; and it is upon the integrity of the Spanish right that the validity of the French title, purchased by the United States, exclusively reposes. Gray, therefore, in whatever point of view he may be regarded, must be put out of court altogether. The Americans cannot claim through Gray and through Spain at the same time.

The fact of having taken formal and official possession of a country unoccupied and unclaimed by other powers, has always been recognized as a legal title to its sovereignty. Mere discovery gives no such title, unless discovery be followed up by settlement; nor does settlement itself give such title, unless it be carried out under the sanction of government. Private individuals cannot form colonies and set up laws for themselves; they must have the consent and authority of their

natural sovereign. "By the laws of England," observes Mr. Falconer, "the crown possesses absolute authority to extend its sovereignty; it can send its diplomatist to treat for, its soldier to conquer, its sailor to settle new countries. This it can do independently of parliament; and no act of the ordinary legislature is needed to establish English law and authority in such countries." The same absolute power is vested in all other sovereignties. But in the United States the president has no such authority; there must be a distinct act of legislation to legalize such a proceeding. Such an act is now before congress; but, up to this hour, no act of that nature has ever been legalized by the legislature of the United States in reference to the Oregon Territory. On the other hand, England, upwards of half a century since, complied with all the legal and solemn conditions by which new territories are annexed to the dominions of the crown. An authorized representative of the sovereign entered the Oregon Territory—then unoccupied and free to the whole world—and with the usual ceremonial formality took possession of it in the name of Great Britain.

From that moment Oregon was as completely a dependency of the crown as any spot within the girth of our colonial possessions.

The sum of these details may be thus stated, as far as they respect the title of Spain to any rights of sovereignty over Oregon (and it must be borne in mind that Spain and England were the only countries pretending to such a title):—That Spain never made any settlement in the country; never in any way occupied the country above Cape Mendocino; never took legal possession of the country; and never, in short, performed any act by which it could acquire any right to cede to France a single acre of ground within the territory. Let us now see how this state of things was affected by the convention of the Escorial.

The immediate circumstances which led to the convention were these:—The government of Spain, learning that both the Russians and the English were very busy forming settlements and carrying on traffic on the north-west coast, despatched some vessels on a sort of commission of inquiry to ascertain the facts.* In the course of the events that followed, certain vessels belonging to Mears, who had previously established himself at Nootka Sound, were entrapped and seized by

*Spain, it seems, founded her title to exclusive sovereignty over these regions, and, consequently, her right to send out this expedition of inquiry, upon these grounds; the specification of which, being all equally invalid, would only needlessly interrupt the historical statement of facts. These grounds were: 1. A papal concession in 1492; 2. The discovery of the coast; 3. The contiguity of the Oregon Territory to the Spanish settlements of New Mexico. 1. The liberality of the pope, in giving away a great number of kingdoms that were not his own (including, as a scoffing writer has it, even the kingdom of heaven,) was one of the foolish frauds which even they who hoped to reap benefit from them were never hardy enough to maintain in the face of other nations. This ground was obviously so absurd, that Spain had too much good sense to put it forward. 2. Granting to Spain her full claim to the merits of discovery, it has been already shown that discovery alone constitutes no title to sovereignty. 3. Contiguity of territory offers about as reasonable a pretext for exercising sovereign rights over a country as the accident of living next door to an empty house would justify a man in taking possession of the premises. We hear that contiguity of territory is one of the arguments employed by the United States in favor of their claims—an argument which, were it worth anything, is altogether on our side, as we have shown.

the Spaniards, whose conduct throughout these transactions (without touching the question of right one way or the other) is universally admitted to have been base and treacherous. We need not detain the reader by entering upon the details, but will reduce the case at once to the simple point in which this outrage was finally narrowed, in the subsequent negotiations between the two countries.

Mears having brought the affair under the consideration of the British government, restitution and satisfaction were instantly demanded of the Court of Spain, to which demand an answer was given, that the Viceroy of Mexico had already restored the captured vessels and liberated the crews, on the supposition, however, that their owners were ignorant of the exclusive rights of Spain. This answer, accompanied by a direct claim to the sovereignty of the country, was held to be so unwarrantable, that it was at once met by a message to parliament, asking for supplies to enable his majesty to vindicate the rights of his subjects to "a free and uninterrupted navigation, commerce, and fishery, and to the possession of such establishments as they should form" on the coast. The supplies were granted with enthusiasm, and preparations for war were immediately set on foot; so clearly did the British government comprehend their rights, and so determined were they to enforce them. On the same day a note was addressed to the Spanish ambassador in London, in which his majesty declared that "he would take the most effectual pacific measures to prevent his subjects from trespassing on the just and acknowledged rights of Spain; but that he could not accede to the *pretensions* of absolute sovereignty, commerce, and navigation, which appeared to be the principal objects of the last note from the Spanish ambassador." Nothing could be more explicit on both sides. The Spanish government claimed the right of exclusive sovereignty over the country; the English government denied that they possessed any such right, showing at the same time that they regarded their own title to be so clear, that they actually expended 3,000,000*l.* sterling in active preparations to maintain and establish its validity. The English government would certainly never have incurred so enormous an expenditure, if they had not fully recognized the proceedings of Mears in taking possession of the country.

Spain, however, did not see fit to push her claim to extremities. She argued the case with a downward sophistry, abandoning her high position step by step, and gradually begging the question by observing, that "although Spain may not have establishments or colonies planted on the coasts or in the ports in dispute, it does not follow that such coast or port does not belong to her." To which the British government contented itself by simply reasserting the "indisputable right" of British subjects to free navigation, commerce and fishery, and to the possession of any establishments they might form with the consent of the natives of the country, not previously occupied by any European nation. Spain herself admitted in these negotiations that she had never occupied the country, so that, according to every received principle of law and justice, her claim fell to the ground.

The attitude taken by England was not to be misunderstood; and the demands of Spain at last

shrunk into a treaty. This was the Convention of the Escurial, which in America goes rather significantly by the name of the Nootka Treaty, seeing that it restored and recognized in full the rights of the English in that quarter. By this convention it was stipulated that all the buildings and tracts of land on the North-west coast, of which British subjects were dispossessed, should be restored; that just reparation should be made for all acts of hostility; that both parties should have free right to navigate in the Pacific Ocean or the South Seas, or to carry on commerce or establish settlements in places not already occupied, and that the subjects of both powers should have access to any settlements subsequently formed by either. This arrangement distinctly reinstated the British settlers in the places they had previously occupied, and threw open to both powers the right of settling in all places then unoccupied. After this convention, Spain had undoubtedly as good a right to form settlements in Oregon as we had. The effect of the convention was distinctly and unequivocally to annul or forego all previous claims to sovereignty over the country on both sides, and to treat the territory as an open waste, upon which either party was at liberty to form any settlements it might think proper, provided they did not interfere with any settlements already formed, there being at the time but two in existence, those of the English at Nootka Sound, and at Port Cox, about sixteen leagues to the southward, which this very treaty expressly recognized.

What followed upon this convention? The English government immediately proceeded to carry out their intentions, in conformity with that official interpretation of the treaty which was accepted by both governments, and sent out Vancouver, in 1792, to take possession of the restored settlements, and to ascertain what parts of the coast were unoccupied. At Nootka he was formally put in possession of the buildings and lands belonging to the English, and having surveyed the coast from 39° 20' south latitude to the Strait of Juan de Fuca, and finding it all unoccupied, he took possession of it in the name of his Britannic Majesty, under the right accorded and guaranteed by the express stipulations of the convention. By this legal and official act, the country was annexed to the British crown forever. The act was notified to the whole world; it was published under the sanction of government in Vancouver's narrative; everybody knew it; nobody disputed it. If Spain regarded this act or declaration of sovereignty as an infringement of her rights, she would have remonstrated or protested. But she did neither the one nor the other. On the contrary, from that hour she abandoned the shores of the north-western region; and has never appeared upon them since. It seems rather unreasonable, then, that if Spain never afterwards asserted any right of territory in Oregon, America should claim such right as emanating from Spain by virtue of a subsequent transaction.

Under the Nootka treaty, Spain, had she been in time, and had she thought proper to do so, might have taken possession of all the unoccupied land; and if she had, we must have allowed the legality of her title. But she not only did not avail herself of the opportunity, but does not appear to have contemplated such a measure. In fact, she never at any period formed a settlement in Oregon, as was frankly admitted in the diplomatic

notes which passed between the courts of Madrid and London on the occasion of these negotiations. She had enough to do in New Mexico.

From this review of the actual events which determined in the British crown all rights of sovereignty in the Oregon Territory, it will be seen that the claims of Spain, whatever they might have been before, were now finally set aside. This recalls us to the point which, for the first time, introduces the United States into the discussion—the sale of Louisiana by the French as it was ceded by the Spaniards. As Spain had no possessions in Oregon, she clearly could not have included in her cession to France any portion of that region. The question then is, what district of country did she cede to France under the name of Louisiana?

It is much more easy to answer this question in the negative than in the affirmative. We can much more readily decide what was *not* Louisiana than determine what was understood to be included under that designation. The Americans themselves never had any clear notion of that district; they very candidly avow that its boundaries were indefinite from the earliest period; and the Spaniards, who protested against the sale to the United States, as being a violation of subsisting engagements on the part of France, and who were well disposed to dispute the entrance of the Americans, declared that France had no right to a foot of territory west of the Mississippi. In this dilemma we are thrown upon a complicated tissue of treaties, to trace amongst them, as well as we can, what were the real or supposititious limits of Louisiana. One thing alone is certain, that they could not, by any political or geographical stratagem, be strained across the Rocky Mountains into the Oregon Territory.

The confusion respecting these boundaries is perfectly bewildering. Louisiana was originally a French colony. It was settled by a charter of Louis XIV., which charter left its eastern and western frontiers to the imagination of the settlers. The Sieur Crozat, to whom this ambiguous charter was granted in 1712, was glad to give it up in 1717. Probably, he was afraid of committing involuntary trespasses on the property of others. The Illinois country was then annexed to it, the Illinois country itself being in a similar condition of doubt. This, of course, only increased the perplexity. Louisiana, thus rendered more difficult of definition than ever, was made over by royal decree to Law's Mississippi Company, who escaped from their vague responsibility in 1732. The onus of this boundless province then reverted to the crown of France, and the said crown, in 1762, got rid of it by cession to the crown of Spain. But Spain seems to have been as uneasy under the obligation as France, and ceded it back again in 1800. The sly terms of these cessions and retrocessions are distinguished by a spirit of evasive finesse worthy of the palmiest days of the French and Spanish comedy. It would puzzle a conjuror to discover from these documents what country it was that was thus ceded and retroceded. France gave to Spain "all that country known under the name of Louisiana," and Spain gave back to France this same Louisiana, taking care to guard against accidents, by adding "with the same extent that it now has in the hands of Spain, and that it had when France possessed it." The conscientious caution of the Spaniard cannot be too highly commended. In this condition France sold

the unmapped Louisiana to the United States for 15,000,000 dollars; and the United States are now trying to make the most of their bargain. Finding that the limits of the country were never laid down, they are endeavoring to persuade the world that it had no limits but the ocean.

The way in which Mr. Greenhow speaks of Louisiana forms a suggestive commentary on this curious dilemma. He says, that from the time when Louisiana was ceded to Spain, until it "came into the possession of the United States, its extent and limits were not defined." This is tolerably decisive of the difficulty America has yet to encounter in the attempt to prove that it extended to the Pacific, seeing, on the confession of the Americans themselves, that its extent was not defined. But this is nothing in comparison with the admissions made in the following remarkable passage, which, if there be any meaning at all to be wrung from the English language, when it is employed by American historians, sets the question at rest forever.

"How far Louisiana extended westward, when it was ceded by France to Spain, history offers no means of determining. The charter granted to Crozat, in 1712, included only the territories drained by the Mississippi south of the Illinois country; and, though the Illinois was annexed to Louisiana in 1717, nothing can be found showing what territories were comprehended under that general appellation. In the old French maps, New France is represented as extending across the continent to the Pacific; in British maps, of the same period, a large portion of the territory thus assigned to New France, appears as New England, or as Virginia; while the Spanish geographers claimed the same portion for their sovereign, under the names of New Mexico and California. *While Louisiana remained in the possession of Spain, it was certainly never considered as embracing New Mexico or California*; though whether it was so considered or not, is immaterial to the question as to its western limits in 1803, which were, by the treaty, to be the same as in 1762. In the absence of all light on the subject from history, we are forced to regard the boundaries indicated by nature—namely, *the highlands separating the waters of the Mississippi from those flowing into the Pacific or the Californian Gulf—as the true western boundaries of the Louisiana ceded to the United States by France in 1803.*"

The completeness of this admission—that the western boundary of Louisiana was the chain of the Rocky Mountains, and that, consequently, America acquired no rights by her purchase beyond that boundary—is final. But we must not, therefore, pass over in silence the spirit of subterfuge that runs through this very disingenuous passage. Notwithstanding that Mr. Greenhow is thoroughly convinced that Louisiana never could, in the nature of things, have extended beyond the mountains, and, indeed, does not hesitate, at last, to say so, he tries to insinuate, that in 1762 it *might* have extended to the Pacific. Mr. Greenhow knows perfectly well that New Mexico, or California, never belonged to France, and, therefore, could not have formed a part of the territory called Louisiana, which was ceded by France to Spain, in 1762. The question turns upon what was Louisiana in 1762, for we have seen that Spain returned it back again, precisely as she got it. Now, whatever it was, it is as clear as the sun at noonday, that New Mexico could have been no

portion of it; for this very reason, that in 1762, when the original cession was made, New Mexico belonged to Spain herself. The whole of the territory in that direction, west of the Rocky Mountains, was Spanish ground, adjoining this vague Louisiana, a fact which Mr. Greenhow, only two or three pages before, frankly, but perhaps unconsciously, states in very exact terms. "That any settlement," he observes, "of the western boundaries of Louisiana, should have been made on the conclusion of the treaty of 1762, is not probable. It would have been superfluous, as *Louisiana would certainly have joined the other territories of Spain in that direction.*"

It is impossible, upon the whole of this evidence, to make a loophole for the slightest doubt on this point—that in purchasing Louisiana from France, the United States acquired no rights beyond the base of the Rocky Mountains. President Jefferson explicitly affirms the limits in a letter written at the time of the purchase. "The boundary," says Jefferson, "which I deem not admitting question, are the highlands on the western side of the Mississippi, enclosing all its waters—the Missouri of course—and terminating in a line drawn from the north-western point, from the Lake of the Woods to the nearest source of the Mississippi, as lately settled between Great Britain and the United States." And in some negotiations which took place four years afterwards, he desired the omission of a clause which referred to the north-west territory, because it "could have no other effect, than as an offensive intimation to Spain that the claims of the United States extend to the Pacific Ocean." We, therefore, dismiss this branch of the subject, by restating the only conclusion consonant with the facts of history, at which any human being can arrive, after a sifting investigation of the whole question—namely, that the claim set up by the United States to a right of territory in Oregon, arising from the purchase of Louisiana, in 1803, is utterly fallacious, and totally unfounded.

Recalling the reader, then, to the point from which we started, we ask what is to be thought of the integrity of the writer who, with all these facts and disproofs before him, could be capable of making the sweeping assertion already quoted, that from the moment of the purchase, "the route across the continent from the Atlantic to the Pacific lay open to the Americans!" We have been accused of dealing severely with the poets of America (an accusation which in good time we shall notice as it deserves); but we confess we are in some doubt whether they should not be called upon to evacuate the regions of fiction and give place to the historians.

The settlement between the United States and Great Britain, alluded to by President Jefferson, took place in 1783. It recognized the independence of the States and fixed their boundaries; but does not in any way affect the Oregon question, which at that time had not come into dispute.

Pursuing the subject in the order of time, we shall now proceed to state the steps that were taken by America in consequence of her presumed claim, and the arrangements of every kind that have been entered into since 1803 in reference to that claim; conducting the inquiry chronologically to the present moment, so that the English reader may be put in possession of the exact state of the case as it now stands in litigation between the two countries.

In 1805, Lewis and Clarke were commissioned by President Jefferson to explore the country west of the Rocky Mountains. We have already stated that, according to the constitution of the United States, the president cannot exercise any act of sovereignty—he cannot annex new territories to the Union. This commission, therefore, was not invested with an official character, and could not take possession of the country in the name of the American government. No title, consequently, can be raised upon this exploring expedition; nor is any such title asserted. "Politically," says Mr. Greenhow, "the expedition was an announcement to the world of the *intention* of the American government to occupy and settle the countries explored." "But," rejoins Mr. Falconer, "such intention had already been announced to the world by the English government in a public, authentic, and legal manner, and its sovereignty over the country declared."

In 1810, an attempt was made by a Captain Smith to found a post for trade with the Indians on the south bank of the Columbia. He built a house and laid out a garden, but the speculation was a failure, and he abandoned it before the close of the year. Mr. Falconer very properly observes, that this was the act of a private individual, and does not carry any political inference whatever.

In the same year the fur station called Astoria, rendered famous by Washington Irving's romance, was founded by a German merchant of New York, Jacob Astor, near the mouth of the Columbia. This was simply a private trading speculation, and although it has been dragged into the Oregon question with a view to help out the American claim, we need scarcely observe that it has no political character at all. The government of the United States might as well set up pretensions to sovereign authority in England because some stray ship-broker from New York establishes a packet-office in Liverpool, as pretend to any right over Oregon arising out of Mr. Astor's attempt to establish a fur company there. The brief history of the affair is as follows:—

Mr. Astor, whose experience in the commerce of the Pacific pointed out to him some probabilities of success in such an experiment, devised a scheme for the establishment of a Pacific Fur Company. The rivalry he principally apprehended was from the North-west Company of Montreal (which has been since amalgamated with the Hudson's Bay Company;) and he was so impressed with the policy of conciliating the English interest that he offered one third of the project to that company. But they prudently declined the offer. The company, however, was formed, and although it originated with an American merchant, such was the unavoidable ascendancy of British capital and British influence, that even Mr. Greenhow admits that, "the majority not only of the inferior servants, but also of the *partners*, were British subjects." This majority was so decisive that a reasonable doubt arises whether Astoria was not actually an English settlement; and when, in October, 1813, it was found necessary to dissolve the partnership, the whole of the establishment and stock being then sold to the North-West Company, the immediate cause of the dissolution is directly traced by Mr. Greenhow to the fact, that the company was governed by English and not by American directors. He puts this statement into *italics* by way of marking its importance; we adopt his *italics* for the same reason. "The

Pacific Company, nevertheless," says Mr. Greenhow, "might, and probably would, have withstood all these difficulties, [alluding to the war with England,] if the directing parties on the Columbia had been Americans, instead of being, as the greater part of them were, men unconnected with the United States by birth, citizenship, or previous residence, or family ties." This statement is conclusive as to the character of the settlement, and shows unequivocally, that whatever American ingredients may have been mixed up in its formation, it was to all intents and purposes amenable to British influence. It could not have been otherwise, for the Americans had never subjected Oregon to their authority. They had no official servants in the country of any class, judicial, military, or naval. Suppose any civil question had arisen during the brief existence of Astoria, to what authority could it have been referred? If America had any rights in Oregon she must surely have had some machinery of government by which her rights could have been enforced and protected. But she never did establish any such machinery, and if the handful of Americans who were embarked in the Astoria speculation had been at any moment compelled into a civil procedure, they must of necessity have appealed to the English law, under which alone they could derive legal protection.

The failure of Astoria led, as we have stated, to the sale of the whole concern to the North-West Company in 1813, when the name of the establishment was immediately changed to that of Fort George. It was now English by purchase, and it has remained in the hands of the English ever since.

At the termination of the war, in 1814, America claimed the restoration of the post sold by the Pacific Company, as belonging to the United States, and as having been taken during the war. The answer was obvious, that it had been bought, not captured, that the territory had been taken possession of long before in the name of his Britannic Majesty, and that it had all along been considered as a part of his majesty's dominions. The discussions on this point were drawn to a close by leaving the question of title to be discussed in a future negotiation. While the main question was thus left in abeyance, the fort was restored; and the best proof that can be afforded of the slender faith placed by the Americans in their right of re-possession is to be found in the significant fact, that they have never occupied the fort up to the present hour. It is now in the hands of the Hudson's Bay Company. It ought to be observed, also, that while we thus consented to restore the fort, we have consistently and invariably protested against the American claim to any territorial rights. Early in 1818, Lord Castlereagh, writing to the British minister at Washington, says, "In signifying to Mr. Adams the full acquiescence of your government in the re-occupation of the *limited* position which the United States held in the Columbia at the breaking out of the war, you will, at the same time, assert the claim of Great Britain to that territory, upon which the American settlement must be considered as an encroachment." The same language was subsequently employed by Lord Bathurst, and has been persevered in throughout all the negotiations that since have taken place on the subject.

If any claim could possibly arise out of such a settlement as that of Astoria, unauthorized by any act of Congress, then we are clearly entitled to set

it aside on the score of priority; for, in addition to the former settlement at Nootka Sound and Port Cox, an English party, commissioned by the North-West Company, formed an establishment, in 1806, on Frazer's Lake, in the fifty-fourth degree of latitude.* These were all authentic arrangements under the sanction of the British jurisdiction, already formally proclaimed in the Columbia and up the coast many years before. America has no title, in short, on the ground of occupancy; for she has never yet occupied a yard of the country—none on the ground of discovery; for Drake, and Cooke, and Heceta, were there before her—none on the ground of exploration; for Broughton was up the Columbia first—and none on the ground of any declaration of annexation or any act of possession; for up to this hour she has not taken one single legal step towards the assertion of a legal right of any nature whatsoever.

The next point in the progress of the debate, which was now insensibly assuming every day a more tangible shape between the two countries, was a convention ratified between Great Britain and America in 1818, by which the rights of both were submitted to a temporary suspension. A boundary line was agreed upon which should run along the forty-ninth degree of latitude, from the Lake of the Woods to the Rocky Mountains; and the whole of the country west of the Rocky Mountains was pronounced free to both for the term of ten years, without prejudice to the claims of either. The question of title was, consequently, still left open.

And now we arrive at the most material transaction in the history of this prolonged dispute:—a transaction upon the interpretation of which the American claim finally rests, at some cost of consistency in the variegated arguments by which it had been hitherto maintained. The obscurity in which the transfer of Louisiana in 1803 had left the actual boundary lines of that large extent of country, rendered it necessary that some understanding should be entered into on the subject, and a declaratory treaty, known as the Florida Treaty, was accordingly concluded with Spain in 1819. By this treaty the boundaries were fixed, running on the west of the United States in an irregular line from the Sabine river to the forty-second degree of latitude, and then along that parallel west to the Pacific. A clause was inserted in the treaty by which the United States renounced all pretension to the territories west and south of this boundary, and Spain ceded to the United States all rights, claims, and pretensions to the territories on its north and east. Upon this clause, America mainly relies for the proof of her Oregon claim.

We need not reargue the incompetency of Spain to cede to America territories over which she possessed no rights herself. This clause, to be of any value at all, must depend upon the power of the donor to bestow, not on the willingness of the receiver to accept. America is willing enough to accept Oregon at the hands of Spain; but the real question at issue is, has Spain the power of bestowing Oregon on Amer-

* Mr. Greenhow's book contains so many errors that we are compelled to abandon the intention with which we set out of exposing them in detail. But we cannot suffer his assertion, that "this was the first settlement or post of any kind made by British subjects west of the Rocky Mountains," to pass uncorrected. His own book contains the refutation of this strange historical mistake.

ica! We answer, No. Spain never was in possession of Oregon; and, whatever debatable title she might have previously had, she distinctly and irrevocably resigned it by the stringent conditions of the Nootka Convention in 1790. From that moment Spain relinquished her claims forever; Great Britain immediately afterwards took possession of the country, and the Spanish flag has never, from that day to this, appeared off the Oregon coast. It is impossible to imagine a clearer case. The Spanish title is not merely defective but non-existent. Spain had no title after 1790.

Even M. Mofras, in his work on Oregon and California, which betrays all throughout a spirit of malignant hostility against England, is reluctantly compelled to admit that the Florida Treaty gave the United States no rights whatever in Oregon. He says that it could not be construed to invalidate the convention of 1790, that it constitutes a simple renunciation, and that the Americans ought to respect the rights which were previously recognized by Spain as existing in the English. "If we had now," he adds, "to give an opinion upon this important question, we should, in spite of our sympathies for the United States, and our aversion against the aggressive system of the English, be compelled to acknowledge that reason and right are this time on their side. We are even astonished that, foregoing their habitual tenacity, they should have made, in the course of their negotiations, such large sacrifices to the Americans." Every impartial and honorable mind must feel the reluctant justice of these observations, and acknowledge, as frankly as M. Mofras, that no title can be sustained through the Treaty of Florida.

Conscious, no doubt, of this insuperable difficulty, America endeavors to make out her claim upon other grounds, as well as upon the Florida treaty—grounds which are so signally contradictory of each other, as to annihilate her claim altogether. For if her claim be rightful on any one of these grounds, it is untenable on the others, and *vice versa*; and, as it is needless to insist upon an adherence to some clear principle in the conduct of such negotiations, we are content to submit these grounds, without a syllable of commentary, to the common sense of the world.

She claims, first, through Gray's discovery of the Columbia. If that claim be good, it vitiates at once all claim through the purchase of Louisiana from France, and through treaty with Spain; for neither France nor Spain could confer upon America that which already belonged to America.

She claims, next, through the purchase of Louisiana from France, which purchase rested upon a cession from Spain to France. If that claim be good, Spain must have ceded the Oregon territory to France, which she not only declared she had not done, but which she could not have done if America had previously acquired that territory through Gray's discovery.

She next claims by virtue of occupancy in 1814, although that occupancy was chiefly carried out by an English company, and was relinquished by a regular deed of sale.

And she finally claims under the Florida treaty of 1819, by cession from Spain. This is the title that stultifies all the rest. For if the treaty of 1819 be alleged as conferring any title, then the pretensions to a title arising from occupancy in

1814 must have been wholly without foundation. If, on the other hand, America relies upon her title of 1814, she cannot go to Spain for a title in 1819. She is in this dilemma—either that her pretensions in 1814 were false, and that, consequently, the "occupation" of the Columbia by Great Britain was rightful, as against her; or that, claiming under the treaty of 1819, her title is limited to the territory lying south of the British settlements on the Columbia, over which Spain could have had no shadow of a right.

We leave America to extricate herself from this dilemma as creditably as she can. But it is sufficiently apparent that she must relinquish her claim altogether, or rest it upon some intelligible basis. She has hitherto resisted every approach to a candid and equitable adjustment with England. Mr. Canning and Mr. Huskisson proposed that a boundary line should be drawn westward along the forty-ninth parallel of latitude, from the Rocky Mountains to the north-easternmost branch of the Columbia river, and thence down the centre of the stream to the sea. This proposition was rejected. All negotiation, with a view to a moderate and amicable adjudication of the respective claims of England and the United States having failed, the convention of 1818 was renewed in 1827, and the provisions, instead of being limited to ten years, were extended to an indefinite period, either party having the right, upon a year's notice, to withdraw from the agreement. In this condition the question remains.

The violent and unstatesmanlike declaration of Mr. Polk, in his inaugural address, has not been serviceable to America in the public opinion of Europe. He thought proper to launch upon the furious tide of the democratic passions which carried him into office a wilful mis-statement, couched in the most offensive language. The bad taste and worse policy of that very foolish proceeding, must recoil upon himself. But we earnestly hope, for the sake of the paramount interests of peace and civilization, that the calmer judgment of the ministers by whom he is surrounded may avert the consequences from his country. He will have time to reflect in the interval before the next meeting of congress, and it is gratifying to observe that nearly the whole press of America in the mean while protests against his conduct. The bill for the occupation of Oregon comes before congress in December. We venture to predict that it will be thrown out; simply because it cannot be carried without involving the United States in a war with England; and there are three sound reasons why America cannot go to war—she has neither men, money, nor credit. No—America will not go to war.

The true policy of America is peace. Washington declared that the moment she committed herself to schemes of aggression and aggrandizement, her power was at an end. She cannot extend her territory without the risk of weakening it. She has not enough of population as it is to defend the shores of the Atlantic in the event of hostilities: by what process of conjuration then can she undertake to occupy and defend territories remote from her own states and difficult of access? If she got possession of Oregon to-morrow, she could not maintain it. Her sovereignty in that distant region could be preserved only by the presence of an imposing force, and by a chain of strong military outposts from the Missouri across the continent to the sea. How is she to

organize this force? How is she to supply this enormous machinery of defence? Even if she could succeed in laying down such a plan of war-like preparations, she must still fail in securing a permanent occupation of the north-western coast, which, it is notorious, can only be reached and commanded from the ocean. She must, therefore, cover her land force by a powerful naval armament. Where is she to get the means? Overwhelmed with debts, and dragging her reputation as she is at a discount through the exchanges of the world, is she prepared to incur still greater odium and an impossible outlay? We believe there is not a sensible man in America who does not denounce the Quixotic project which points at the hopeless occupation of Oregon.

The British minister has solemnly announced that he is not only resolved but prepared to assert the rights of the British crown in the Oregon Territory. This is not an idle threat; and it has been echoed back by the universal conviction of a country too well instructed in its own power, too confident in the integrity of its cause, and too well assured of the advantages of peace, to embark hastily in an expensive war. We have the means of vindicating our rights, and we will employ them should it become necessary. The mere addition to our naval estimates this year amounts to 1,000,000*l.* sterling—a sum nearly equal to the total naval estimates of the United States—and our squadron in the Pacific under Admiral Seymour is a sufficient pledge of the sincerity of our intentions in that quarter.

But we do not believe that America will submit the Oregon question to solution in the field of battle. She is not in a condition for such dangerous experiments, and, if she were, a dispassionate investigation of the case must finally satisfy her that the claim she sets up could be settled much more speedily, to her own honor and ultimate advantage, by peaceful arbitration. It is the interest of both countries to settle their claims amicably; but it is chiefly the interest of America, for the experience of all history concurs in this warning—that when a subject in litigation between two powers is removed from the cabinet to the camp, it must be at the cost of the weaker party.

THE POETRY OF THE RAIL.—We have already pointed out the alteration likely to be made in poetry and song-writing by the introduction of railroads, and we this week give another specimen of the probable effect of the change. We shall hear no more now of the Lily of the Vale or the Village Rose, but the Pearl of the Refreshment-room and the Daisy of the Rail will supersede the once popular maidens alluded to. The following touching ballad is supposed to be addressed by one of the luggage superintendents to one of the female waiters at the same station, and may be called—

THE PORTER TO HIS MISTRESS.

Oh maiden, but an instant stay,
And let me breathe my vow;
I know the train is on its way,
I hear its thund'ring row.

Another moment crowds will stand
Where now to thee I kneel;
And hungry groups will soon demand
The beef, the ham, the veal.

Turn not away thy brow so fair,
'Tis that, alas! I dread;
For thou hast given me, I swear,
One fatal turn a-head.

I've linger'd on the platform, love,
My brow with luggage hot;
A voice has whisper'd from above,
"Porter, take heed, love knot!"

O'er thee mine eye doth often range;
I've mark'd thee take the pay
From those who, ere you bring their change,
Rush to the train away.

Turn not, &c., &c.

Punch.

VIDOCQ IN LONDON.—Mons. Vidocq, for many years the celebrated *Chef de la Police de Sureté* in Paris, has, on his arrival in this country, opened an exhibition of rather an extraordinary character, at the Cosmorama in Regent-street. The exhibition consists of several and rather heterogeneous materials. In the first place Mons. Vidocq offers to the public inspection various instruments of torture and manacles which were used by him in the coercion of criminals, or against him when he was a prisoner at the instance of the French government. In this department of the exhibition are also included the different disguises Vidocq used to wear in order to effect the arrest of prisoners, and several objects that belonged to persons famous for their crimes. Another portion of the exhibition consists of a collection of drawings in water-colors, among which are several of the works of Dirk Langendyk, a Dutch artist of considerable merit, and a selection of paintings of the Byzantine, Italian, and Flemish schools, many of which are extremely curious and interesting. The third portion of this exhibition will probably be thought by most visitors to offer the greatest attractions. It is a collection of imitated tropical fruits, executed with such perfection that it would puzzle the best judges of horticulture to distinguish them from the real productions of nature. This collection comprises sixty varieties, and more than 4,000 specimens. M. Vidocq, who is now seventy-two years of age, but scarcely appears more than fifty, attends personally, and politely explains to the visitors the different objects comprised in the exhibition.—*Atlas.*

ON DIT that Sir R. Peel intends proposing a grant of 30,000*l.* towards the endowment of the projected college in connexion with the Free Church of Scotland; and that he further intends to bring in a bill rendering compulsory on landlords to grant sites for the erection of free churches, on the requisition of not less than 50 persons in parishes where their estates are situate.—*Atlas.*

ONE of the *bon mots* which contributed to make Talleyrand so famous as a wit, was his definition of speech as a faculty given to man for the purpose of concealing his thoughts. The prince-bishop can well afford to give up the credit of having first made this sarcastic observation to an English clergyman. Young mentions some place,

"Where nature's end of language is declined,
And men talk only to conceal their mind."

ange,

ch.

many
Sureté
untry,
inary
treet.
rather
Mons.
rious
were
s, or
tance
ment
erent
effect
that
imes.
of a
mong
Lan-
, and
lian,
mely
n of
most
is a
cuted
best
n the
com-
peci-
-two
than
as to
n the

ng a
f the
Free
ends
land-
free
n 50
sit-

make
ition
pur-
ince-
t of
to an
lace,
ed,
,